

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 16 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

TENNISON DONG,

Petitioner - Appellant,

v.

COMMISSIONER OF INTERNAL
REVENUE,

Respondent - Appellee.

No. 08-72529

Tax Ct. No. 25138-06L
Los Angeles, CA

ORDER

Before: PREGERSON, CANBY, and BERZON, Circuit Judges

Tennison Dong's petition for panel rehearing is granted.

The memorandum disposition filed on May 26, 2009 is withdrawn. A replacement memorandum disposition will be filed concurrently with this order.

Dong's motion to file excerpts of record with his petition for panel hearing is also granted.